



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 29, 1995

Mr. Sage White
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-1088

OR95-1027

Dear Mr. White:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 31617.

The City of Austin (the "city") received an open records request for the fee schedule quoted by the successful vendor in response to the city's RFP for infusion therapy services. You have requested an open records decision from this office pursuant to section 552.305 of the Government Code as to whether the requested information may be withheld from the public under section 552.110.

The general manager of the company that submitted the winning proposal has contacted this office regarding the open records request for its pricing proposal. Although the general manager states that the release of the requested information would place her company "at a competitive disadvantage," this office has been presented with no evidence that the requested information is confidential under section 552.110, either as a trade secret or as commercial or financial information. *But see* Open Records Decision Nos. 319 (1982), 306 (1982) (pricing proposals not protected under statutory predecessor of section 552.110). Consequently, we have no basis for applying section 552.110 to this information. *See* Open Records Decision No. 552 (1990). The city therefore must release the pricing proposal in its entirety.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Rebecca L. Payne
Assistant Attorney General
Open Records Division

RLP/RWP/rho

Ref.: ID# 31617

Enclosures: Submitted documents

cc: Mr. Jim Haugland
Executive Healthcare Consultant
Caremark International
3610 Willowbend, Suite 1010
Houston, Texas 77054
(w/o enclosures)

Ms. Sarah A. Herrington
General Manager
Coram Healthcare
2201 Denton Drive, Suite 100
Austin, Texas 78758
(w/o enclosures)